

**South Dakota Public Utilities Commission Meeting
Tuesday, September 25, 2007, at 9:30 A.M.
State Capitol Building, Room 412
Pierre, South Dakota**

NOTE: If you wish to join this meeting by conference call, please contact the Commission at 605-773-3201 by 5:00 p.m. on September 24, 2007. Lines are limited and are given out on first come/first serve basis, subject to possible reassignment to accommodate persons who must appear in a proceeding. Ultimately, if you wish to participate in the Commission Meeting and a line is not available you may have to appear in person.

NOTE: To listen to the Commission Meeting live please go to the PUC's website www.puc.sd.gov and click on the LIVE button on the home page. The Commission requests that persons who will only be listening to proceedings and not actively appearing in a case listen via the webcast to free phone lines for those who have to appear. The Commission meetings are archived on the PUC's website under the Commission Actions tab and then click on the LISTEN button on the page.

NOTE: Notice is further given to persons with disabilities that this Commission meeting is being held in a physically accessible place. If you have special needs, please notify the Commission and we will make all necessary arrangements.

AGENDA OF COMMISSION MEETING

Consumer Reports

- 1. Status Report on Consumer Utility Inquiries and Complaints Received by the Commission.
(Consumer Affairs: Deb Gregg)**

Grain Dealer

- 1. GD07-001 In the Matter of LW Sales/LW Seed's Failure to Obtain Necessary Licensure Prior to Operation as a Grain Dealer in the State of South Dakota. (Staff Analyst: Jim Mehlhaff, Staff Attorney: Kara Semmler)**

In October of 2006 the PUC Warehouse Division received a complaint that LW Sales Inc. had violated SDCL 49-45-1 by purchasing grain for the purpose of reselling it. In an informal interview with the President of LW Sales Inc. the transactions were confirmed, but were presented as isolated incidents that would not be repeated. A letter advising LW Sales Inc. of the law and warning them that further violations may result in formal action was sent to the President of LW Sales Inc. on November 1, 2006. On February 15, 2007 the PUC Warehouse Division received a second complaint that LW Sales was continuing to purchase grain for the purpose of re-selling it. The Commission issued an Order to Show Cause at its March 13, 2007, meeting. On July 9, 2007, staff filed a Motion to Amend the Procedural Schedule, and the Motion was granted at the July 11, 2007, commission meeting. Staff filed a Motion for Summary Judgment on July 27, 2007. LW Sales filed a Brief in Resistance to the Motion for Summary Judgment on August 13, 2007. The Commission granted the Motion for Summary Judgment at its August 28, 2007, meeting. On September 12, 2007, LW Sales filed a Motion for Reconsideration and/or Set Aside the Motion for Summary Judgment.

TODAY, shall the Commission Grant LW Sales' Motion for Reconsideration? AND, if granted, how shall the Commission Proceed Regarding Staff's Motion for Summary Judgment?

Natural Gas

1. **NG07-013 In the Matter of the Application by NorthWestern Corporation d/b/a NorthWestern Energy for Authority to Increase its Natural Gas Rates. (Staff Analysts: Dave Jacobson/Keith Senger/Bob Knadle/Martin Bettmann/Nathan Solem/Steve Wegman, Staff Attorney: Karen Cremer)**

Application by NorthWestern Energy (NorthWestern) for approval to increase rates for natural gas service to customers in its service territory by \$3,682,377 annually or approximately 5.5% based on NorthWestern's 2006 test year. The company states the proposed increase for a residential customer would be \$7.15 per month based on usage of 150 therms. The proposed rates may potentially affect approximately 42,286 customers in NorthWestern's service territory. Staff is submitting a proposed contract with Chesapeake Regulatory Consultants, Inc. for consulting services to the Commission. At its June 26, 2007, meeting, the Commission voted to suspend the imposition of the tariff for 90 days beyond July 1, 2007, assessed a filing fee for actual expenses not to exceed \$100,000, and approved the proposed consulting contract.

TODAY, shall the Commission Suspend the Imposition of the Tariff for an Additional 90 Days Beyond September 29, 2007?

Telecommunications

1. **TC06-007 In the Matter of the Petition of Level 3 Communications, LLC for Arbitration of an Interconnection Agreement with Qwest Corporation. (Commission Attorney: Rolayne Ailts Wiest)**

On January 26, 2006, Level 3 Communications, LLC (Level 3) filed a Petition for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 for Rates, Terms, and Conditions of Interconnection with Qwest Corporation (Qwest). In its Petition, Level 3 requested that the Commission arbitrate certain terms and conditions of a proposed Interconnection Agreement between Level 3 and Qwest. Pursuant to ARSD 20:10:32:30, Qwest may respond to the Petition and provide additional information by February 21, 2006. On May 7, 2007, Level 3 filed a Motion to Withdraw Petition and Terminate Arbitration Proceedings and also filed a Notice of Adoption of Qwest's Statement of Generally Available Terms. The Commission Granted the Motion to Withdraw Petition and Terminate Arbitration Proceedings at its May 22, 2007, meeting.

TODAY, the Commission shall Hear Oral Arguments.

2. **TC07-091 In the Matter of the Filing by Sprint Communications Company L.P. for Approval of its Intrastate Switched Access Tariff and Rates. (Staff Analyst: Harlan Best, Staff Attorney: Karen Cremer)**

On August 15, 2007, Sprint Communications Company L.P. (Sprint) filed an intrastate switched access tariff. Sprint filed the tariff with a proposed effective date of September 6, 2007.

TODAY, shall the Commission Approve the Intrastate Switched Access Tariff and Rates with an Effective Date of September 6, 2007?

3. TC07-094 In the Matter of the Filing for Approval of a Resale Agreement between Qwest Corporation and NOS Communications, Inc. (Staff Attorney: Kara Semmler)

On August 31, 2007, the Commission received a filing for the approval of a Resale Agreement, between Qwest Corporation and NOS Communications, Inc.

TODAY, shall the Commission Approve the Agreement?


4. TC07-102 In the Matter of the Filing by South Dakota Network, LLC for Approval of Revisions to its Intrastate Switched Access Tariff. (Staff Analyst: Keith Senger, Staff Attorney: Karen Cremer)

On September 11, 2007, South Dakota Network, LLC (SDN) filed text changes to its intrastate switched access tariff. The consultant for SDN contacted the commission after the filing to indicate that this filing was to be an update to the tariff filed in the TC07-027 docket.

TODAY, shall the Commission Dismiss and Close the Docket?

Announcements

1. The next regularly scheduled Commission meeting will be held October 9, 2007, at 9:30 a.m. in Room 412, State Capitol Building, Pierre, SD.
2. Commission meetings are scheduled for October 23 and November 6, 2007.
3. Commissioners and Staff will be attending the Qwest Regional Oversight Committee meetings in Boise, ID, September 25 – 26, 2007.
4. The PUC offices will be closed Monday, October 8, 2007, in observance of Native American Day.
5. Commissioners and Staff will be attending the NARUC fall meetings in Anaheim, CA, November 11 – 14, 2007.
6. The PUC offices will be closed Monday, November 12, 2007, in observance of Veterans Day.



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